

May 2016

A Catholic Lawyers' Guild for your Diocese?

Harold F. McNiece

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>



Part of the [Catholic Studies Commons](#)

Recommended Citation

Harold F. McNiece (1958) "A Catholic Lawyers' Guild for your Diocese?," *The Catholic Lawyer*. Vol. 4 : No. 3 , Article 11.

Available at: <https://scholarship.law.stjohns.edu/tcl/vol4/iss3/11>

This Article is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

A CATHOLIC LAWYERS' GUILD FOR YOUR DIOCESE?

HAROLD F. McNIECE*

SINCE THE FOUNDING in 1928 of a Catholic Lawyers' Guild for the Archdiocese of New York the number of organized groups of Catholic lawyers in this country has grown at a relatively slow pace.¹ At present it is estimated that forty such groups exist in thirty-six American archdioceses and dioceses. While forty Catholic lawyers' organizations may at first glance seem like a large number, it is, in actuality, a small one. There are over 135 archdioceses and dioceses in the United States, so that over seventy per cent of them do not have such an organization.

The purpose of the present article is not to advocate the widespread formation of guilds of Catholic lawyers. It is designed rather as a summary of the purposes and activities which such guilds may pursue and as a blueprint of the general structure of a guild. For the most part, the article represents purely personal impressions and opinions based on twelve years' association with various guilds, particularly the Catholic Lawyers' Guild of the Diocese of Brooklyn, and it is offered in the hope that it may be of some aid to persons who are contemplating the formation of a guild.

In all probability, guilds could, with profit to the Church, community, and bar, be established in many of the dioceses which now lack them, but the question whether conditions in a particular diocese make desirable or feasible the formation of a guild is a local matter beyond the purview of this article.

Guild Objectives

The objectives of the various lawyers' guilds presently in existence vary considerably. Some organizations are of limited scope and their primary activity is sponsorship of a Red Mass to mark the opening of the

* B.S. (1944), LL.B. (1945), St. John's University; J.S.D. (1949), New York University. Associate Dean and Professor of Law, St. John's University School of Law. Past President, Catholic Lawyers' Guild of the Diocese of Brooklyn.

¹ For a history of the first Catholic lawyers' guild in America see *The Guild of Catholic Lawyers of New York — A History of Twenty-Seven Years*, 1 CATHOLIC LAWYER 101 (April 1955). Another pioneer guild is discussed in *The Catholic Lawyers' Guild of Chicago*, 3 CATHOLIC LAWYER 250 (July 1957).

judicial year. Many others, however, carry on a much broader range of activities.



HAROLD F. MCNIECE

Without attempting to be descriptive of any particular guild, the purposes of a guild of Catholic lawyers may include the following:

- (1) to sponsor a Read Mass at the opening of the court year;
- (2) to inculcate in Catholic lawyers a deeper understanding of the Natural Law, the Natural Law Philosophy and Jurisprudence, and particularly their application to everyday legal problems;
- (3) to foster in Catholic lawyers high standards of ethics in their professional endeavors;
- (4) to provide instruction in the science of ethics — particularly in the systematic application of general principles to concrete legal problems;
- (5) to promote the spiritual welfare of Catholic lawyers;
- (6) to promote comradeship among Catholic lawyers;
- (7) to protect the legal rights of Catholic individuals and groups in situations where moral and religious issues are involved, including, where necessary or desirable, such activities as institution of, and participation in, judicial proceedings, filing of briefs *amicus curiae*, filing of memoranda and making appearances before legislatures, city councils and similar groups.

Pitfalls

As with all other organizations, it should be recognized that there are dangers which can attend the formation and operation of a Catholic lawyers' guild. Frank recogni-

tion of these dangers is the best way to be certain of circumventing them.

First of all, a guild should not attempt to supplant local bar associations, or even to trespass upon the proper sphere of a bar association. Catholic lawyers should be fully able, with gain to themselves and the community, to participate in the activities of both a local bar association and a Catholic lawyers' guild. There is, or at least should be, no conflict between the two organizations, and their areas of activity should not overlap. Where overlapping exists, there will be, at best, inefficient and duplicative employment of the energies of the community's lawyers, and, at worst, the generation of friction between bar association and guild. It is also likely to incite a charge that the guild is a divisive force which is upsetting the traditional comradeship of all lawyers. To avoid trenching upon the domain of the bar association, the guild should confine itself strictly to dealing with legal problems affecting Catholics *as Catholics* or involving moral or religious problems which may be beyond the jurisdiction or interest of a bar association.

Secondly, care should be taken that the guild not become the private property of a clique of attorneys to be used by them to further their own selfish interests, whether such interests be political or economic. Unfortunately, there are always a few misguided persons who regard any group — be it a social club, a religious group, a veterans' organization, or a bar association — as solely or principally a means of promoting their own ends. Nothing would be more destructive to the welfare of a lawyers' guild than to permit such a group to "take over."

One way to avoid the development of cliques and undue perpetuation of the same individuals in office is to limit the presi-

dency to a single term. If a candidate knows he is to serve for only one term he is not likely to regard the guild as a device to serve his own long-term aims. Moreover, a man who is to serve for only one term is likely to have a good deal of enthusiasm, freshness and vigor, and he can be expected to devote a good deal more time to the office than a "career" president. The one-term limitation is sometimes opposed on the ground that it means that an inexperienced man will be in the presidency. This can be obviated, however, by a custom that the president serve in the other offices, or at least as a vice-president, before being nominated for president.

Needless to say, a guild should refrain from supporting political candidates, tacitly or otherwise, or from involving itself in purely political controversies. In order to avoid even the appearance of political involvement, some guilds, out of an excess of caution, have followed a policy or custom of not selecting as officers any elected or appointed officials, or any persons who are seeking election to public office.

Also to be avoided is the somewhat related danger that overzealous members or officers of a guild may present to the public the impression that their views on a particular question represent an authoritative expression of the views of the Church itself. The Church speaks officially only through its duly constituted representatives, and the public should not be misled into assuming that the views of the officers or membership of a Catholic lawyers' guild, any more than the views of a post of Catholic war veterans or a unit of Catholic teachers, represent a formal pronouncement by ecclesiastical authority. A guild will, of course, endeavor in all instances to insure that its statements and opinions are not out of harmony with

the official thinking of the Church, but, since a guild may well be called upon to speak or act in situations where there is no well-defined Church policy, it must be careful lest its words and actions be deemed those of the Church.

Organizational Pattern

Those desirous of forming a new guild should discuss the matter first with the bishop of the diocese or his designated representative in order to secure approval, advice, and assistance. It is essential to the successful operation of a guild that there be close and continuous cooperation with diocesan officials, and methods for facilitating that liaison should be worked out at the outset.

Assuming that the bishop approves of the concept of a guild and its proposed plan of organization, he should be requested to select a priest as spiritual director. The selection of a spiritual director of exceptional ability and considerable tact is of great importance. Not only will the director be the advisor to the guild in all spiritual and religious matters, but normally he will be granted a residual power to limit or veto any proposed action of the guild insofar as that action involves spiritual and religious implications. In short, he will be the diocesan representative to the guild and the liaison officer between the guild and the diocese. In a number of guilds the priest designated as spiritual director has been a member of the bar or has done advanced study in canon law. While a legal background is helpful, it is not absolutely necessary, and the post of spiritual director can be readily filled by a non-lawyer provided he is appreciative of the problems confronting lawyers and is desirous of being helpful in the solution of such problems.

There is annexed as Appendix A to this article a model constitution which may be found helpful as a general guide to the structure² of a guild. This model constitution is not the constitution of any presently existing guild but is a composite of a number of constitutions of guilds and bar associations. The model should, of course, be varied to conform with local needs,³ and, in fact, need not be followed at all if it is found unsuitable to the conditions prevailing in a particular diocese.

Although the model constitution is not discussed in great detail herein, some of the basic premises upon which it is drafted are set forth. One is the premise that a relatively small group of officers⁴ with concentrated authority is preferable to a large group with very little to do. While some guilds do have a hierarchy of many vice-presidents, the model here proposed limits the executive officers to a spiritual director, a president, two vice-presidents, a recording secretary, and a secretary-treasurer. The over-all supervisory group, the guild's board

of governors, is composed of the officers, twelve elected governors,⁵ and the immediate past president. In my judgment, an executive team of this type, relatively close-knit as it is, will be able to work more efficiently and with a greater sense of individual participation and responsibility than will a larger aggregation.

Aside from the post of spiritual director, perhaps the most important office under the model constitution is that of secretary-treasurer. The model constitution assumes that this office, unlike that of president and vice-president, will be occupied by a lawyer who is willing and able to remain as incumbent for four or more years. This is designed to give permanency to the administration of the guild despite the periodic changes in the other offices. Unless the guild has a definite headquarters⁶ of its own, which most guilds do not have, it will usually be found convenient to set forth the office address of the secretary-treasurer on the guild's letterhead⁷ as the address of the guild. Among other duties, the secretary-treasurer will keep the roster of the members and the record of dues paid by them, and he will require some secretarial assistance. A feasible arrangement on this score is for the secretary-treasurer to use the clerical help of his own law office and then obtain reimbursement from the guild on an

² Incorporation may be desirable or necessary in a particular state (a) to preserve the name of the guild, (b) to receive gifts and bequests, (c) to obtain certain tax advantages, or (d) to limit the liability of the individual members.

³ Although the model constitution in Appendix A uses the name Catholic Lawyers' Guild of the Diocese of _____, the name can, of course, be varied in accordance with local preferences. Some groups of Catholic lawyers employ such names as St. Thomas More Society, Natural Law Society, and John Carroll Society.

⁴ The model constitution provides for the election of officers at the annual meeting to be held in October. This is on the assumption that the Red Mass will be held prior to that time. It is desirable that the arrangements for the Mass be under the supervision of a group of experienced officers. If, under local custom, the Red Mass is celebrated at some other time, then it might be wise to change the date of the annual meeting.

⁵ The members of the board of governors should be elected by classes for a period of three years in such manner that not more than one-third of the body leaves office at any particular time.

⁶ Permanent quarters will avoid the necessity of a change in address every few years and the possible loss of files that might result from moving.

⁷ The names of the officers, the members of the board of governors, the immediate past president and perhaps the other past presidents should appear on the guild's letterhead.

hourly or other appropriate basis.

The classifications of membership contemplated by the model constitution include not only attorneys but also students presently in law schools and law school graduates who have not been admitted to the bar. Some guilds limit their membership to those who have been admitted to practice, but I question the wisdom of such a limitation. It is my view that the lawyers of tomorrow should be introduced to the guild as auxiliary members during their law school days. Such an approach enables law students to meet regularly with lawyers and to feel that the profession welcomes them and is interested in their welfare. It also permits the practicing attorney to get acquainted with future members of the bar and to give them the benefit of his mature experience, and, in some instances, it may enable the practitioner to obtain desirable fledgling lawyers for employment in his office. Finally, bringing students into the membership provides a large reservoir of active members of the guild for future years.

Law school graduates who are not members of the bar form another category eligible for membership under the model constitution. Provision for this type of membership avoids any hiatus between law school membership and practicing attorney membership, and it also takes into account the fairly sizeable number of persons who graduate from law school but for one reason or another are never admitted to the bar. A number of persons study law only as an adjunct to their activities in such fields as banking, real estate, and insurance, and never see any need to obtain formal admittance to the bar. Such people may have sufficient interest in the law to be productive members of the guild, and there seems

no valid reason for excluding them from some participation.

Patron Saint

Selection of a patron saint for the proposed guild is another question which arises at the time of organization. St. Ives and St. Thomas More are suitable patron saints for members of the legal profession. Of the two the more appropriate as a model for English-speaking lawyers, trained as they are in the tradition of the common law, is perhaps St. Thomas More, Lord Chancellor of England during the reign of Henry VIII. St. Thomas More, who was executed because of his refusal to take the oath of supremacy,⁸ was canonized by Pope Pius XI in 1935, and since that time has won wide acceptance as a patron of lawyers' guilds and law student societies.

Meetings and Activities

The model constitution, it will be noted, calls for only three regular meetings a year, in October, February and May. This suggested number is by no means to be regarded as inflexible, and exceptionally active guilds may find that a larger number of meetings is desirable. A few well-attended, active meetings are preferable to a large number of poorly-attended, listless meetings, and three or four regular meetings a year can in most instances adequately take care of the business of a guild. The guild, it will be recalled, is not designed to be a substitute for a bar association. It is to be expected, therefore, that most of the members of a guild will be actively engaged in bar association activities and in other community endeavors, and for that reason the

⁸ Gilman, *St. Thomas More*, 1 CATHOLIC LAWYER 44, 46 (Jan. 1955).

time which they will have available for the guild is likely to be quite limited.

The Red Mass

The Red Mass,⁹ traditionally so called because of the color of the vestments worn by the celebrant, has officially opened the judicial year of the Sacred Roman Rota, and has been celebrated in Rome, London, Paris, and various cities of the United States. The specific purpose of the Mass is to invoke the Holy Spirit's assistance in the activities of the bench and bar during the ensuing court year. Sponsorship of the Red Mass is generally regarded as the principal public activity of a Catholic lawyers' guild.¹⁰

The details of the Mass are best handled by a Committee on the Red Mass. It is desirable, if not necessary, to arrange the date and place of the Mass approximately six months in advance. A factor to be considered in the selection of the church is its convenience to the court center. The usual time for celebration is in September or October, after the summer recess of the courts, although, in some areas, January is regarded as a more appropriate time. A weekday is usually preferable since it avoids such distractions as the reading of parish announcements and the taking up of a collection which a Sunday date may require. The bishop of the diocese should be invited to preside at the Mass or to celebrate it,

and a preacher of reputation secured to speak on some topic related to the law. A minimum honorarium of one hundred dollars plus traveling expenses is suggested as appropriate for the preacher.

Since the Mass has civic as well as religious significance, the participation by public officials, the judiciary and members of the bar is essential. A month or more in advance of the date set for the Mass, formal invitations should be extended to leading government officials, federal, state and local judges — non-Catholic as well as Catholic — law school faculties, members of the diocesan chancery staff, moderators of guilds and other diocesan officials. Simultaneously, a letter should be sent to the members of the guild announcing the Red Mass and soliciting their attendance.

Publicity is helpful in arousing interest in the Mass. In several dioceses, the pastors of the Catholic churches in their Sunday announcements invited all Catholic lawyers to attend the Mass. Appropriate news items and pictures appeared in the local press, both secular and religious.

The Mass itself is a beautiful and colorful one. To make it even more so the church may be properly decorated with flowers and palms for the altar and sanctuary and with a red carpet for the center aisle, and the judiciary may be requested to attend in their robes and the law school faculties in their academic gowns.

An adequate number of ushers, appointed from among the membership, are necessary to take care of arrangements within the church¹¹ and to distribute Red Mass

⁹ For an article describing the Red Mass see Tiedebohl, *The Votive Mass of the Holy Spirit*, 1 CATHOLIC LAWYER 215 (July 1955).

¹⁰ In recent years it has become the custom to arrange for a special Red Mass to coincide with the annual meeting of the American Bar Association. If a guild exists in the area it might act as sponsor of this Red Mass in addition to its annual Red Mass.

¹¹ The local police officials should be notified in order to insure that adequate arrangements will be made for convenient handling of pedestrian and vehicular traffic.

missals.¹² Invited guests in the order of their importance are customarily seated on the right or epistle side of the center aisle, and officers and members of the guild on the other side. A procession of the clergy, the judiciary, the law faculties and other distinguished guests may precede the Mass, and a gracious conclusion is to have the bishop, the celebrant of the Mass, the preacher, the spiritual director of the guild, and the president of the guild receive the distinguished guests in the rear of the church at the close of the Mass. In some areas a breakfast is held after the Mass, but this is by no means essential.¹³

Programs for Meetings

It is recommended that meetings be held at a convenient central place and, where feasible, be started promptly at or about eight o'clock in the evening with Benediction of the Most Blessed Sacrament. Commencing with Benediction not only sets an excellent spiritual tone for the evening, but, to a considerable extent, has the practical effect of encouraging the membership to attend on time. A meeting place should be selected which has adequate automobile parking facilities and which is within easy driving range of the residences of members. If the diocese covers a large geographical area, it is probably better to create two or

more separate and independent guilds rather than to attempt to cover the entire diocese with one guild.

To the maximum extent possible, meetings should be run with enthusiasm and dispatch. Assuming that the formal part of the meeting commences at about 8:15 p.m., it should in all save exceptional instances be over by 10:00 p.m., with the hour between 10:00 and 11:00 p.m. reserved for refreshments and socializing. It may be found helpful to pass out identification tags at the beginning of each meeting and to collect them at the end.¹⁴ This not only assures that members will know each other's names and thus fraternize more readily, but it also affords an accurate way of keeping track of attendance.

The program for each meeting should be planned under the aegis of a Committee on Program. The availability of an interesting speaker or speakers is usually the hallmark of a successful meeting. There are, basically, three ways in which speakers can be presented. There can be a single speaker talking for a half hour or so and then answering questions from the floor; the panel type presentation with panelists taking different sides of a question and also answering queries from the floor; and the interview approach wherein an authority on a particular subject is interrogated by a moderator with the aid of floor inquiries.

The possible topics for discussion at meetings are legion, and a representative number of them will be found listed in Appendix B to this article.¹⁵ Needless to say, the speakers selected should be chosen because they have special knowledge of the

¹² These missals must be ordered specially. The cost depends, in part, on the cover selected and whether the organizational name is used. The following companies have printed, or expressed interest in printing, Red Mass missals: The Christopher Press, 35 Scio Street, Rochester, N. Y.; Jefferies & Manz, Inc., 2415 East York Street, Philadelphia, Pa.; Franklin Printing Co., Bunting Lane, Primos, Pa.; Levering-Riebel Company, 1845 Haddon Ave., Camden, N. J.

¹³ The Catholic Lawyers' Guild in Paterson, N. J., sponsors a Red Mass at 7:30 p.m. followed by a buffet supper.

¹⁴ Some guilds have membership cards. These appear to be unnecessary.

¹⁵ A wealth of published material is available with reference to the topics suggested.

field in question and are capable of presenting that knowledge in an interesting manner. Whether an honorarium should be offered to the speaker will depend upon the circumstances presented in each particular case, such as his relationship to the guild, the demands for special research required by the topic, and his professional status.

To insure greater participation by the membership, advance notice of the topic of discussion should be given. It has been found helpful to specify a case, article or book around which the program is built.

The efforts of the Committee on Program can be supplemented by a Committee on Entertainment. This latter Committee, in addition to arranging the refreshments and other social phases attendant upon regular meetings, can be charged with the duty of presenting once a year some special form of entertainment such as a short play on the life of St. Thomas More, a dinner dance, or a family night meeting to which the wives and adult members of the families of members are invited. At the annual meeting there might be some special activity planned, such as presentation of a scroll to persons who have distinguished themselves in the work of the guild.

Committee Operations

In addition to the committees which have already been mentioned, there are frequently created such other committees¹⁶ as the Committee on Admissions and Membership,¹⁷ charged with the duty of inter-

¹⁶ The nomenclature of committees, and the division of responsibility between them, of course varies from guild to guild.

¹⁷ Each candidate for active or auxiliary membership should be interviewed by, or known to, at least one member of the Committee on Admissions and Membership. A candidate should not be recommended for election unless, in the

viewing applicants for membership and recommending their admission or rejection (see in this connection, the model form of application¹⁸ set forth in Appendix C); the Committee on Audit, charged with auditing the accounts of the secretary-treasurer; and the Committee on Memorials,¹⁹ charged with preparing a fitting memorial upon the death of a member and organizing a delegation to attend his wake and funeral Mass, as well as with arranging an annual memorial Mass for the repose of the souls of deceased members. In addition, there usually are Committees on Legislation, Catholic Action, and Legal Aid and Referral.

A Committee on Legislation can review and report upon federal, state, and local legislation of importance to Catholics in general or to Catholic lawyers in particular, and can also be charged with the duty of analyzing the proposals and actions of administrative agencies where those proposals and actions have religious implications. This Committee would, where appropriate, recommend that the guild support or

opinion of the majority of the committee, it appears that his election would further the purposes of the guild.

¹⁸ For convenience in mailing and filing, the application form may consist of a 6 by 3½ inch card, with the material set forth in Appendix C printed on the front and back of the card.

¹⁹ This committee may also insert an obituary notice in the local newspaper. The following form may be used:

White, John J. Whereas Almighty God, in His Divine Providence, has called to his eternal reward John J. White, we, the members of the Catholic Lawyers' Guild of the Diocese of _____, hereby express our profound sorrow in the loss of our fellow member. We extend our heartfelt sympathy to the members of his family.

Joseph Black
President

oppose particular legislative or administrative action, and suggest the form which the support or opposition should take.²⁰ It would also maintain liaison with local legislative representatives and administrative officials and assist in the drafting of legislation of interest to the guild.

The Committee on Catholic Action²¹ can be charged with responsibility for recommending and supervising appropriate religious and quasi-religious activities, such as a day of recollection, a retreat, a communion breakfast, a First Friday group,²² a speakers' bureau, or an essay contest for Catholic law students.²³ This Committee would also have the function of publicizing the activities of the guild.

A Committee on Legal Aid and Referral can provide legal aid service to the Catholic poor of the diocese in situations where such service is not provided by an existing legal aid society. If there is an existing legal aid society, no attempt should be made to duplicate its work. The function of the

guild's Committee in such an event should be limited to cases in which the services of a Catholic attorney are particularly helpful because questions of Catholic morals or canon law are involved. This Committee may also find it advisable to maintain a list of attorneys who are available to handle cases on a fee basis. Requests for the services of Catholic attorneys are sometimes received by guilds, and such requests can be referred, on a rotation basis, to attorneys who indicate a wish to receive such references.

It is desirable to require that all committees submit a written report once each year. The requirement of such a report tends to spur the committees into productive work and to prevent the development of committees which exist only on paper.

Publication of Directory

Once a year the guild should publish a directory or year book setting forth pertinent data relating to the guild and its activities, such as the Constitution, the By-Laws, the roster of officers, members, and committees, and digests of the annual committee reports.²⁴ The cost of such a directory is modest, and a title company, bank, insurance company or similar organization may sometimes be willing to underwrite the cost. The directory serves as a handy reference book for members, and enables them to be kept completely in-

²⁰ In this connection, the committee should consult with the diocesan attorneys or others charged with establishing the policy of the diocese.

²¹ Other activities of this committee might include sponsoring block rosary groups, or donating books on jurisprudence, ethics and Catholic philosophy to bar association and law school libraries. This committee might also arrange for a portrait of St. Thomas More to be presented to bar association and law school libraries and for the distribution of a prayer for lawyers. See, e.g., *St. Thomas More Prayer Cards*, 2 CATHOLIC LAWYER 88 (Jan. 1956).

²² If an evening Mass is celebrated at a church conveniently located in the court area the guild members could attend as a group at the close of their business day.

²³ Such a contest might involve discussion of a recent judicial decision, selected by the contestant, which has important religious, philosophic or moral significance.

²⁴ The publication by a guild of a newsletter or any other type of bulletin is not ordinarily advisable. Able lawyers, with their many and varied activities, seldom have the time or inclination to prepare articles for such a publication, with the result that the quality of the publication suffers.

formed as to the status and activities of the guild.²⁵

Conclusion

There has been considerable emphasis recently, in the public press and elsewhere, upon the fact that the percentage of leaders in this country who are Catholics is rela-

²⁵ Group subscriptions to THE CATHOLIC LAWYER have been utilized by several guilds as a valuable additional aid in this respect. One of the aims of THE CATHOLIC LAWYER, as a publication, is to act as a source and clearing house for co-ordinating information for the various guilds all over the country.

tively small. The formation of a Catholic lawyers' guild is, perhaps, one specific way in which the potential of Catholic leadership in a community may be developed and increased and the influence of Catholic thought made more pervasive. The usefulness of a lawyers' guild as an instrument of Catholic leadership depends, however, largely upon how vigorous and efficient the guild is in carrying on its activities. The form of organization and the method of operation which have been outlined in this article will be, I hope, of some assistance in helping to build a flexible and vital group.

APPENDIX A

The Catholic Lawyers' Guild of the Diocese of _____

CONSTITUTION

ARTICLE I — *Name*

The name and title of this organization shall be "THE CATHOLIC LAWYERS' GUILD OF THE DIOCESE OF _____."

ARTICLE II — *Purposes*

The purposes of the Guild shall be:

(a) To promote understanding among lawyers and others of the principles of the Natural Law, the Natural Law Philosophy and Jurisprudence, and of the application of those principles to the administration of justice.

(b) To promote among lawyers and others

high standards of religious, social and ethical ideals and practices.

(c) To provide instruction in the science of ethics particularly in the systematic application of general principles to concrete legal problems.

(d) To promote the intellectual and spiritual welfare of its members.

(e) To safeguard the legal and moral rights of Catholics.

(f) To participate in legal proceedings where advisable to further these declared purposes.

(g) To cooperate with other organizations where advisable to further these declared purposes.

ARTICLE III — *Membership*

Section 1. There shall be three (3) classes of membership in the Guild: (a) Active; (b) Auxiliary; and (c) Honorary.

(a) **ACTIVE MEMBERSHIP:** Any lawyer in good standing who is a practicing Catholic and who is admitted to practice in any state, territory or possession of the United States or in any foreign country may upon written application duly endorsed by a member of the Guild become an Active Member by a majority vote of the Board of Governors after a report of the Committee on Admissions and Membership and upon prepayment of annual dues for the current year where such annual dues are required to be paid.

(b) **AUXILIARY MEMBERSHIP:** Any student in law school or any graduate of a law school who is a practicing Catholic and who has not been admitted to practice in any state, territory or possession of the United States or in any foreign country may upon written application duly endorsed by a member of the Guild become an Auxiliary Member by a majority vote of the Board of Governors after a report of the Committee on Admissions and Membership and upon prepayment of annual dues for the current year where such annual dues are required to be paid. Auxiliary Members shall have all of the rights and privileges of Active Members except voting and holding office.

(c) **HONORARY MEMBERSHIP:** Honorary Members may be elected by the Board of Governors and shall have such qualifications as the Board deems appropriate. Persons holding Honorary Membership shall have all of the rights and privileges of Active Members except voting and holding office.

Section 2. DUES: The annual dues of all members of the Guild except Honorary Members, who shall pay no dues, shall be payable in advance on October 1st as follows:

(a) Active Members from the first to the sixth year after admission to the Bar shall pay Five Dollars (\$5) per year; and

(b) After the sixth year of admission to the Bar an Active Member shall pay Ten Dollars (\$10) per year.

(c) Auxiliary Members shall pay Three Dollars (\$3) per year.

Section 3. Upon failure to pay such dues by November 1st the member shall be notified by the Secretary-Treasurer, and if such default shall continue until December 1st the Secretary-Treasurer shall report said default to the Committee on Admissions and Membership which shall thereupon suspend such person from membership unless the time for payment of the dues is extended by the Committee on Admissions and Membership for such period not exceeding six (6) months as it deems proper, or except as provided in Section 4 of this Article. A copy of this section of these By-Laws shall be printed as part of the Secretary-Treasurer's notice hereinbefore referred to.

Section 4. Upon application in writing containing reasons satisfactory to the Committee on Admissions and Membership that Committee may recommend to the Board of Governors a remission of dues of any member so applying. Upon the approval of such recommendation by the Board, the dues shall be remitted and in that event the provision of Section 3 of this Article concerning defaults shall not apply.

Section 5. The dues of any member which fall due while he is on a period of active service with the armed forces of the United States, excluding temporary active duty for training purposes, shall be automatically remitted, upon notification to the Committee on Admissions and Membership of his entry upon such service.

Section 6. No person who shall have ceased to be a member for nonpayment of dues shall thereafter again be admitted to membership except upon payment of arrears for not in excess of one year, unless they be remitted as provided in Section 4 of this Article.

ARTICLE IV — *Officers*

Section 1. The officers of the Guild shall be as follows: a Spiritual Director; a President; a First Vice President; a Second Vice President; a Recording Secretary; and a Secretary-Treasurer.

Section 2. With the exception of the Spiritual Director the officers of the Guild shall be elected and installed at each annual meeting for a term of one (1) year or until their successors have been duly elected and qualified. The President and the First and Second Vice Presidents shall not hold the same office for more than two (2) consecutive years. The Spiritual Director shall be selected by the Bishop of _____ upon the request of the Board of Governors of the Guild and he shall serve at the pleasure of the Bishop of _____.

Section 3. Spiritual Director. The Spiritual Director shall advise the Guild on all matters concerning its spiritual and religious welfare and activities and shall supervise and have the power to limit any action or proposed action taken by the Guild in carrying out the objects and purposes for which it was formed in so far as such action or proposed action has to do with matters of a spiritual or religious nature.

Section 4. President. The President shall be the chief executive officer of the Guild and shall preside at all meetings of the Guild and of the Board of Governors and of the Executive Committee. At the annual meeting of the Guild the President shall make a report of its condition, activities and progress.

Section 5. Vice Presidents. The Vice Presidents in order of their seniority shall in the absence of the President preside at all meetings of the Guild, the Board of Governors or the Executive Committee.

Section 6. Recording Secretary. The Recording Secretary shall keep minutes of all meetings of the Guild and of the Board of Governors and discharge such other duties as shall be required of him by the President of the Guild or the Board of Governors.

Section 7. Secretary-Treasurer. The Secretary-Treasurer shall collect and by order of the Board of Governors or the Executive Committee or the President disburse the moneys of the Guild and shall discharge such other duties as shall be required of him by the President of the Guild or the Board of Governors.

ARTICLE V — *Board of Governors*

Section 1. The Board of Governors of the Guild shall be composed of the officers, the elected Governors, and the immediate past President of the Guild. Each member of the Board of Governors shall be entitled to one (1) vote at any meeting of the Board. A quorum of an assembled meeting of the Board of Governors shall exist when six (6) or more members are present. Voting by proxy shall not be permitted.

Section 2. The Board of Governors shall supervise and direct the affairs of the Guild and shall take cognizance of all infractions of the Constitution and By-Laws. It shall control and manage the property of the Guild and shall have power to appropriate funds as determined by the By-Laws. It shall fill until the next annual election all vacancies occurring in its own body. It shall report its proceedings at every annual meeting. It shall have full power to act for the Guild in carrying out any of the objects and purposes for which the Guild has been formed.

Section 3. There shall be elected at each annual meeting four (4) members of the Guild to serve as elected Governors of the Board of Governors for a period of three (3) years. The number of elected Governors shall not at any one time exceed twelve (12). No elected Governor elected for a full term shall be eligible for re-election until one (1) year after the expiration of his term of office.

Section 4. Regular meetings of the Board of Governors shall be held on the second Monday of September, December, March and June. Special meetings of the Board may be called by the President at any time on not less than three (3) days notice which may be given in writing, by telephone or orally.

Section 5. Unexcused absence by a member of the Board of Governors from three (3) consecutive meetings of the Board shall be deemed to be a resignation from the Board and from any office such person may hold and the Board may fill the vacancy thus caused until the next annual meeting.

ARTICLE VI — Executive Committee

An Executive Committee composed of the President and three (3) members of the Board of Governors to be selected by the Board of Governors shall be established immediately following the annual meeting of the Guild. The Executive Committee shall have the power and authority to act in the place and stead of the general membership or the Board of Governors on any and all matters which in the discretion of the Executive Committee require immediate action. Any action taken by the Executive Committee shall be reported to the Board of Governors at its next meeting and to the membership at the next meeting of the Guild. Meetings of the Executive Committee may be called at any time by the President or, in his absence, by the senior available Vice President, and no specified time for the giving of notice of such meetings shall be required.

ARTICLE VII — Meetings

The annual meeting of the Guild shall be held on the second Monday of October. Other meetings shall be held on the second Monday of February and May except that the Board of Governors or the Executive Committee may for good cause change the date of the meetings scheduled for February and May. Special meetings may be called by the Presi-

dent through the Secretary-Treasurer at any time upon the written request of ten (10) members of the Guild, which request shall specify the object of the meeting. Notice of such special meeting, specifying the object thereof, shall be sent to each member of the Guild at least five (5) days in advance of the date of such special meeting. Twenty-five (25) members shall constitute a quorum for the transaction of business at any meeting.

ARTICLE VIII — Amendments

This Constitution can be amended by a two-thirds ($\frac{2}{3}$) vote of the members present and voting at a meeting of the Guild, after notice of the proposed amendment subscribed by at least ten (10) members shall have been given at the next previous meeting, and notice of the same shall have been also given by the Secretary-Treasurer in the notices of the meeting; provided, however, that a majority of the members of the Board of Governors may subscribe and file with the Secretary-Treasurer proposed amendments to the Constitution, whereupon the Secretary-Treasurer shall give notice to all members of the Guild at least ten (10) days prior to the date of the meeting at which such amendments are to be considered, in which event such amendments so originated may be adopted as if they had been proposed at the last preceding meeting of the Guild.

BY-LAWS**ARTICLE I — Presiding Officers**

The President, and in his absence one of the Vice Presidents in order of seniority, shall preside at all meetings of the Guild. If none of these officers be present, a President, pro tem, shall be chosen by and from the attending members.

ARTICLE II — Order of Business

The order of business at the annual meeting of the Guild and at the regular meetings of the Guild shall be as follows:

- a. Call to order
- b. Prayer by Spiritual Director

- c. Reading of minutes of the preceding meeting
- d. Report of Committee on Admissions and Membership
- e. Nominations for membership
- f. Election of members
- g. Report of President on behalf of Board of Governors
- h. Report of Secretary-Treasurer
- i. Report of Nominating Committee (at annual meeting only)
- j. Election and installation of officers and members of Board of Governors (at annual meeting only)

- k. Reports of Standing Committees
- l. Reports of Special Committees
- m. Unfinished business
- n. New business
- o. Report of Spiritual Director
- p. Closing prayer

This order of business may be changed at any meeting by a vote of the majority of the members present. The rules and orders of Roberts' Rules of Order shall govern the meetings of the Guild and of the Board of Governors and of the Executive Committee in so far as they are applicable and not inconsistent with the Constitution and By-Laws.

ARTICLE III — *Recording Secretary*

The Recording Secretary shall keep accurate minutes of all meetings of the Guild and of the Board of Governors and shall perform such other duties as are properly assigned to him by the President or the Board of Governors or the Executive Committee.

ARTICLE IV — *Secretary-Treasurer*

The Secretary-Treasurer shall keep a record of the proceedings of the Guild and of such other matters as may be directed by the Guild to be placed on its files or record. He shall keep an accurate list of officers and members and shall notify officers and members of their elections to membership or to office or appointments to committees. He shall bill and collect all dues; shall keep regular books of account for the Guild, which accounts shall be open to inspection by any members of the Board of Governors or the Executive Committee; and shall report in writing at each meeting of the Guild, the Board of Governors and the Executive Committee, as and when required, the financial condition of the Guild. He shall make no payment unless upon authorization of the Board of Governors, the Executive Committee, or the President. He shall deposit the moneys of the Guild to the credit of the Guild in such bank or trust company as may be approved by the Board of Governors and all disbursements of the funds so deposited shall be made by him by check, which check

shall be signed by him and countersigned by the President or one of the Vice Presidents. His accounts shall at all times be subject to examination and audit by the Committee on Audit of the Guild. He shall perform such duties as may be assigned to him by the President or the Board of Governors or the Executive Committee.

ARTICLE V — *Committees*

Section 1. The President shall appoint from the members of the Guild the following Standing Committees:

- a. Committee on Admissions and Membership
- b. Committee on Audit
- c. Committee on Catholic Action
- d. Committee on Entertainment
- e. Committee on Legal Aid and Referral
- f. Committee on Legislation
- g. Committee on Memorials
- h. Committee on Program
- i. Committee on Red Mass

Members of the foregoing committees shall be appointed by the President immediately following each annual meeting. Membership on the various committees shall continue until the next annual meeting except that the President may remove committee members when, for any reason, he deems it wise or necessary. The President shall designate the chairman of each committee, but no member may remain as chairman of any committee for more than three consecutive years.

Each of the foregoing Standing Committees shall consist of not less than three (3) nor more than ten (10) members and the duties of each of the committees shall be those prescribed by the Board of Governors and duly promulgated to the respective committees. The President shall be a member ex officio of each Standing Committee.

Section 2. The President with the consent and approval of the membership of the Guild or the Board of Governors or the Executive Committee may appoint such Special Committees as may be determined to be necessary.

Section 3. Each committee shall meet and organize within such time as the President may direct, but in any event not later than November 1st, and shall notify the Secretary-Treasurer of such organization.

Section 4. No committee nor any member of the Guild shall make any statement to the public press on any matter pending before the committee without first having submitted the same in writing to the President and having received his approval thereof.

Section 5. As soon as practicable before the annual meeting, each committee shall make a report in writing summarizing its activities since its last annual report and making any suggestions deemed suitable appertaining to its powers, duties, or activities, and such report shall be filed with the Secretary-Treasurer of the Guild.

Section 6. As soon as practicable after the annual meeting, the constitution, by-laws, names of officers, members of committees, and members of the Guild, and such other matter as the Executive Committee may deem proper shall be printed and circulated as the Year Book of the Guild under the direction of the Secretary-Treasurer of the Guild.

ARTICLE VI — *Nominating Committee*

At the regular meeting of the Guild to be held in the month of May of each year a committee of five (5), none of whom shall be an officer or member of the Board of Governors, shall be elected by the Guild as a Nominating Committee, which committee shall before the first day of September in each year following their election prepare a list of candidates for the various offices of the Guild to be filled at the next ensuing election and shall submit such list to the Secretary-Treasurer who within ten (10) days from the date of the receipt of such list shall cause a copy thereof to be mailed to every active member of the Guild. Any member of the Guild whose name may not have been acted upon by the Nominating Committee shall be, nevertheless, eligible for nomination and election to any office in the Guild provided his name shall be submitted in writing to the Secretary-Trea-

surer by at least ten (10) active members of the Guild on or before the twenty-fifth day of September in each year and the Secretary-Treasurer shall upon receipt of such nomination include the names of such nominees in the notice of the annual meeting to be mailed to every active member. Where ballots are to be used for the election of officers of the Guild the names of all nominees submitted by the Nominating Committee and the names of all independent nominees shall be set forth in said ballot.

ARTICLE VII — *Charges of Misconduct Against Members*

Section 1. All charges of misconduct against members of the Guild shall be made in writing to the Board of Governors, which shall thereupon appoint a Committee of five (5), none of whom shall be a member of the Board of Governors, to investigate such charges, and report thereon at the next meeting of the Board. Any member so charged shall be notified in writing by the Secretary-Treasurer to attend before such Committee, at least ten (10) days in advance of such appearance. He may introduce rebutting testimony. If the member charged be an officer, the Board, by a majority vote, may declare the office vacant during the investigation.

Section 2. Upon presentation of the report, the Board of Governors may, in its discretion, dismiss such charges or censure, suspend, expel, or remove from office the member accused, but before any such action, the member may make his defense before the Board. The decision of the Board of Governors shall be final and conclusive and no further review or appeal shall be allowed.

Section 3. Any member expelled shall forfeit all his rights and privileges in the Guild.

ARTICLE VIII — *Amendments*

Amendments to these By-Laws shall be made in the same manner as provided for with respect to amendments to the Constitution.

APPENDIX B

Possible Topics for Discussion at a Catholic Lawyers' Guild Meeting

I NATURAL LAW

Divine Justice and Human Justice
 Natural Law Jurisprudence in Legal Practice
 Natural Law Jurisprudence:
 The legal order is part of the moral order.
 How the legal precept differs from the moral precept.
 The moral effect of the legal precept.
 The moral effect of laws which discharge obligations.
 The test of just law.
 The meaning of "the common good."
 Is the natural law philosophy "individualistic" or "socially irresponsible"?
 The Natural Law and American Liberty
 The Natural Law and Canon Law
 The Natural Law and Common Law
 The Natural Law and Constitutional Law
 The Natural Law and Corporation Law
 The Natural Law and International Law
 The Natural Law and Justice
 The Natural Law and Positive Law
 The Natural Law and Pragmatism
 The Natural Law and the Family
 The Natural Law and the Right to Property
 The Natural Law and Tort Law

II THE LAW AND CONSCIENCE

Birth Control: The Church, The State and The Individual
 Censorship of Movies, Comics, Television
 Code of Conduct for Prisoners of War
 Conscientious Objectors Under the Selective Service Act
 Effectiveness of Oaths for Witnesses
 Ethics and Morality in Litigation
 Flag Salute
 Fluoridation and Religion
 General Ethics:
 The nature of conscience.
 Critique of the ethical theories of "approval ethics," "situation ethics," pragmatism.
 Doubtful conscience and its guides.
 The morality of acts whose effects are evil.
 Cooperation with wrongdoers.
 Is Active Participation in the Field of Politics

Inconsistent with the Ethics of a Lawyer and the Morality of a Catholic?
 Legal, Ethical, and Sociological Aspects of Artificial Insemination
 Legal and Ethical Aspects of Suicide
 Morality of Tax Laws
 Obscenity, Morality and the Law
 Protection of Reputation of Witness
 Psychiatric Treatment of Children
 Sunday Observance
 Surgery Ordered by the Court Where Parents' Religion Prohibits
 The Role of a Catholic Law School
 Vaccination

III MORALITY IN SOCIAL LEGISLATION

Church-State Relations in Welfare
 Family Aid
 Gambling, Morality and the Criminal Law
 Juvenile Delinquency
 Right-to-work Legislation
 Segregation
 Zoning Discrimination

IV THE LAW AND RELIGION

Adequacy of State Religious Corporation Laws
 Religion and Adoption
 Religion and Education
 Religion of Probation Officers
 School Bus Transportation
 State Aid and Private (parochial) Education
 Tax Exemption and Private Institutions
 The Canon Law of Marriage
 The Elements to be Considered in Drawing a Will Providing a Bequest for Masses
 Vatican Envoy
 Various Aspects of the Substantive and Procedural Canon Law on Marriage

V HISTORICAL

History of Catholic Contributions to the Common Law
 St. Thomas More —
 Lawyer, Martyr, Saint and Politician

APPENDIX C

Application Form

Date _____	Print or Type LAST NAME _____	INITIALS _____
To The Catholic Lawyers' Guild of the Diocese of _____ 220 Blank Street, New York 12, New York		
I hereby apply for ^{active} membership and submit the following information: <div style="text-align: center;">auxiliary</div>		
NAME _____		
HOME ADDRESS _____	TEL. _____	
OFFICE ADDRESS _____	TEL. _____	
PARISH CHURCH _____		
NAME OF COLLEGE _____	DEGREE _____	DATE _____
NAME OF LAW SCHOOL _____	DEGREE _____	DATE _____
EXPECTED DATE OF GRADUATION _____		
DATE AND PLACE OF ADMISSION TO BAR _____		
Are you engaged in any business other than the practice of law? If "yes," state nature: _____		
If elected, I will abide by the Guild's Constitution and By-Laws.		
Signature of Proposer _____		Signature of Applicant _____
Approved _____		
Committee on Admissions and Membership		(Date)
Approved _____		
Board of Governors		(Date)

ACTIVE MEMBERSHIP: Any lawyer in good standing who is a practicing Catholic and who is admitted to practice in any state, territory or possession of the United States or in any foreign country may upon written application duly endorsed by a member of the Guild become an Active Member by a majority vote of the Board of Governors after a report of the Committee on Admissions and Membership and upon prepayment of annual dues for the current year where such annual dues are required to be paid.

AUXILIARY MEMBERSHIP: Any student in law school or any graduate of a law school who is a practicing Catholic and who has not been admitted to practice in any state, territory or possession of the United States or in any foreign country may upon written application duly endorsed by a member of the Guild become an Auxiliary Member by a majority vote of the Board of Governors after a report of the Committee on Admissions and Membership and upon prepayment of annual dues for the current year where such annual dues are required to be paid. Auxiliary Members shall have all the rights and privileges of Active Members except voting and holding office.

DUES: The annual dues of all members of the Guild except Honorary Members, who shall pay no dues, shall be payable in advance on October 1st as follows:

- (a) Active Members from the first to sixth year after admission to the Bar shall pay Five Dollars (\$5) per year; and
- (b) After the sixth year of admission to the Bar an Active Member shall pay Ten Dollars (\$10) per year.
- (c) Auxiliary Members shall pay Three Dollars (\$3) per year.

Mail completed application, together with check for dues, to 220 Blank St., N. Y. 12, N. Y.